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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,482	10/30/2001	Evan Kirshenbaum	10010971-1	1307

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EXAMINER

KINDRED, ALFORD W

ART UNIT PAPER NUMBER

2163

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/021,482

Applicant(s)

KIRSHENBAUM ET AL.

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-36, 82-85 and 87-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-36, 82-85 and 87-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communication: amendment filed on 02/22/2005.

This action is made final.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31-36 and 82-85 and 87-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito, US# 6,302,795 B1, in view of Jacobsen et al., US# 6,198,394 B1.

As per claim 31, Ito teaches "a portable housing . . . one or more data collection devices; and integrated with said housing, a time-keeping device, a data storage device" (see col. 11, lines 33-48) "a programmable device for correlating all data captured by the data collection device based upon time reported by the time-keeping device and for storing so-correlated data on the storage device" (see col. 7, lines 51-67). Ito does not explicitly teach "wherein the portable device is worn on a user for capturing a substantially comprehensive record on an immediate environment of the user". Jacobsen et al. teaches "wherein the portable device is worn on a user for capturing a substantially comprehensive record on an immediate environment of a user" (see abstract, col. 11, lines 13-45 and col. 12, lines 35-57). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the

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teachings of Ito and Jacobsen above, because using the steps of “wherein the portable device is worn on a user for capturing a substantially comprehensive record on an immediate environment of a user . . . capturing medical data of the user”, would have given those skilled in the art the ability to capture various data, via an user device worn on that user, of an user’s environment. This give users the advantage of processing data, via a mobile device worn on a user, of a particular environment in which the user is present. This allows for more accurate and faster assessment of a user’s environmental surroundings and medical information, more efficiently.

As per claim 32, Ito teaches “associated with the housing at least one input device, the programmable device further operable to use input from each said input device to record time-stamped annotations in the record” (see col. 9, lines 20-39).

As per claim 33, Ito teaches “the programmable device having program code for determining a segment of the record to be uninteresting and to compress the record by deleting or degrading segments so-determined” (see col. 10, lines 1-30).

As per claim 34, Ito teaches “a communications port for transmitting a subset of the record stored on the data storage device” (see col. 6, lines 19-37).

As per claims 35-36, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 31-34 and are similarly rejected.

As per claim 82, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 31 and is similarly rejected including the following:

As per claims 83-84, Ito does not explicitly teach, "wherein the data collection device are separate from the portable housing and wirelessly transmit the autobiographical data . . .". Bloomfield et al. teaches "wherein the data collection device are separate from the portable housing and wirelessly transmit the autobiographical data . . ." (see paragraph [0048] and [0145], whereas Ito's personal data collected is equivalent to applicant's autobiographical element and Ito's wireless transmission involving a data capture device is equivalent to applicant's wireless element as illustrated in applicant's claim language). It would have been obvious at the time of the invention for one of ordinary in the art to have combined the teachings of Ito and Bloomfield above, because using the steps of "wherein the data collection device are separate from the portable housing and wirelessly transmit the autobiographical data . . .", would have given those skilled in the art the tools to wirelessly transmit personal data related to various locations of users expeditiously, This give users the advantage of locating and/or processing a particular user's data regardless of that user's location faster.

As per claim 85, Ito teaches "a video camera wearable as eyeglasses on the user" (see abstract and col. 1, lines 15-35, wherein Ito's portable machine associated with a video element reads on applicant's claim language).

As per claim 87, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 82 and is similarly rejected.

As per claim 88, Ito teaches "a video unit associate with a heads-up display . . . field of view of the video unit" (see col. 15, lines 10-28).

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As per claims 89-93, these claims are rejected on grounds corresponding to the arguments given for rejected claims 31-34, 88 and are similarly rejected.

***Response to Arguments***

4. Applicant's arguments with respect to claims 31-36 and 82-85 and 87-93 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is positioned above the printed name.

Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100